

Remarks/Arguments

Claims 1 and 3-10 are pending. Claim 3 has been amended.

The Examiner has objected to applicant's claim 3 because of certain informalities. Applicant has amended applicant's claim 3 to depend on claim 1 as suggested by the Examiner, thereby obviating the Examiner's objection.

The Examiner has rejected applicant's claim 10 under 35 U.S.C. §102(e) as being anticipated by the Kobayashi, et al. (US 6,441,978) patent.

Applicant's claim 10 recites a head mounted display apparatus wherein the elastic members are arranged to be located on the outside of the display part in a state obtained when the right and left side frames are folded with respect to the front frame. The construction recited in applicant's independent claim 10 is not taught or suggested by the cited art of record.

More particularly, the Examiner has argued that the Kobayashi, et al. patent teaches a head mounted display device which includes a front frame 10M, a display part 41 (figure 4, col. 10, lines 55-56), the left and right rear frame 10L and 10R, a mount pad 2F, the hinges 10Lh and 10Rh, elastic members 10L and 10R (col. 11, lines 1-6), the temple part 2F, a forehead 2F, a viewer M (col. 11, lines 27-33) and an elastic force of right and left side frames (col. 11, lines 7-12).

Applicant has reviewed the passages of the Kobayashi, et al. patent cited by the Examiner and they are completely silent as to the position of the elastic members with respect to the display part in a folded state. Particularly, FIG. 4 of the Kobayashi, et al. patent shows the head mounted device in an unfolded state worn by a user. FIG. 4. Moreover, the passages of the specification in the Kobayashi, et al. patent describing FIG. 4 only disclose that the left

and right rear frames are hinged by a left and right hinges, respectively, to the main frame (Col. 10, lines 52-54; Col. 11, lines 28-33) and that the left and right rear frames 10L and 10R are made from elastic plastic materials. Col. 11, lines 13-17. However, there is nothing disclosed or suggested in the Kobayashi, et al. patent of the positional relationship between the elastic members of the side frames and the display part when the side frames are folded. There is thus, nothing taught or suggested in the Kobayashi, et al. patent of arranging the elastic members to be located on the outside of the display part in a state obtained when the right and left side frames are folded with respect to the front frame.

Accordingly, applicant's independent claim 10, which recites such features, thus patentably distinguishes over the Kobayashi, et al. patent.

The Examiner has also rejected applicant's claims 1, 4 and 5-8 under 35 U.S.C. §103(a) as being unpatentable over the Kobayashi, et al. (U.S. 6,441,978) patent in view of the da Silva (U.S. 5,608,808) patent. Moreover, the Examiner has rejected applicant's claims 3 and 9 under 35 U.S.C. §103(a) as being unpatentable over the Kobayashi, et al. and the da Silva patents in further view of the Chiou (U.S. 4,993,065) patent.

Applicant's independent claims 1 recites a head-mounted display apparatus which includes side frames wherein each of the frames comprises an elastic member and a core member longitudinally inserted in the elastic member and the thickness of each of the elastic member relative to the core member is preferably arranged to be thicker on the inner side of the core member. Applicant's independent claim 7 recites a similar construction.

The constructions recited in applicant's independent claims 1 and 7, and their respective dependent claims are not taught or suggested by the cited art of record.

The Examiner has acknowledged that the Kobayashi, et al. patent fails to teach that each of the frames comprises an elastic member and a core member longitudinally inserted in the elastic member, and that the thickness of the elastic member relative to the core member is thicker on the inner side of the core member. However, the Examiner has argued that the da Silva patent teaches such features and that it would have been obvious to incorporate same in the Kobayashi, et al. patent.

Applicant respectfully disagrees. More particularly, the Examiner has argued as follows with respect to the DaSilva patent:

"However, da Silva teaches each of said frames comprises an elastic member (20) and a core member (15) longitudinally inserted in the elastic member (20) and the thickness of the elastic member (20) relative to the core member (15) is preferably arranged to be thicker (1.0 centimeter) on the inner side of the core member (20) (see figure 1, column 3, lines 6-11 and column 3, line 56)."

Looking at the cited passages in the da Silva, the patent teaches that the element 20 is an "eyeglass retainer", that the retainer consists of "two . . . 1.0 centimeter diameter . . . flexible cloth straps having an open bore . . .", and that the retainer is used with the "defoggable eyeglasses 11" having "eyeglass stems 13". Thus, the element 20 in the da Silva patent is not part of the eyeglass stems, but instead it is a retainer for the stems. Moreover, the element 20 is not an elastic member, but instead a flexible cloth. Finally, there no discussion of the thickness of the element, but rather only the diameter of the element.

The Examiner's characterization of the element 20 in the da Silva patent is thus unsupported by what the patent actually teaches. Accordingly, like the Kobayashi, et al. patent, there is nothing taught or suggested in the da Silva patent of a side frame comprising an elastic member and a core member longitudinally inserted in the elastic member, or an

elastic member of a side frame covering the core member of the side frame, and the thickness of elastic member relative to the core member arranged to be thicker on the inner side of the core member.

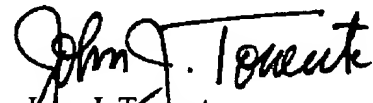
Applicant's independent claims 1 and 7, and their respective dependent claims, all of which recite one or more of the above features, thus patentably distinguish over the Kobayashi, et al. and da Silva patents. Moreover, there is nothing taught or suggested in the Chiou patent to change this conclusion.

In view of the above, it is submitted that applicant's claims, as amended, patentably distinguish over the cited art of record. Accordingly, reconsideration of the claims is respectfully requested.

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